

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

AMENDMENT #13

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
26 FEDERAL PLAZA
NEW YORK, NY 10278

20 November 2002

AMENDMENT NO. 13

PROJECT NO. DACW51-02-B-0002

TECHNICAL REQUIREMENTS INSTRUCTIONS TO OFFERORS

MAINTENANCE DREDGING AND DISPOSITION OF DREDGED MATERIAL FROM ARTHUR KILL
REACH, NEW YORK AND NEW JERSEY CHANNEL, FEDERAL NAVIGATION CHANNEL

TO PROSPECTIVE BIDDERS:

1) The following clarifications are hereby made to Amendment No. 10, dated October 10, 2002. Text added to amendment No. 10 for clarification is represented by an underline. Text deleted is left in place with strikethrough font.

a. Paragraph 14.1. of Standard Form 30 shall be revised to read, "1. The purpose of this amendment is to replace the section 00010, "Schedule Price", see attached pages 2 through 10 of this document."

b. Page 3 of 12, description of SUPPLIES/SERVICE - Item No. 0004, shall be revised to read, "Dredging, Processing, Transportation and Placement - Removal of material except ledge rock lying above the plane of minus 35 feet below mean low water plus 1 foot allowable overdepth from the Federal Navigation Channel as shown on the contract drawings, file # 1225 (pages 1A, 1B, and 1-18) and placement of dredged material at an approved/permitted upland disposal site furnished by the contractor."

c. The questions submitted and answers provided on pages 11 and 12 of Amendment 10 should have been qualified as "For Information Only". Clarifications to amendment no. 10, Issues 2 and 3 are shown below.

Issue two: Due to the performance of concurrent dredging projects, the use of the same upland facility does not appear feasible. Can a new permitted disposal facility be introduced for consideration if there is a schedule conflict?

Response: The project managers were consulted for the two projects that were referenced in the letter as possibly interfering with the performance of the above referenced projects. One will be done before the subject projects start, and the other will start soon and run for several months. This second project, Port Jersey, may overlap with the above referenced projects or may be done before the above projects begin. The disposal facility stated in a letter referencing the above referenced projects that they are capable of processing up to 15,000 cubic yards per day from multiple projects. Each of the above referenced projects should produce an average of 4,000 cubic yards per day, significantly less than the total capacity.

Any request to introduce a new disposal facility is premature. For the above stated reasons, there does not seem to be a conflict. There is some flexibility in the schedules of the dredging of Flushing Bay, Arthur Kill and Port Jersey projects around the OENJ schedule, that can be evaluated before the need for a new disposal facility is considered. Changing facilities would cause significant delays in obtaining and reviewing the permits for the new facility. We have already invested time in the review of the disposal facility proposed in the Offeror's technical proposal and would not consider duplicating this effort and enduring a delay unless absolutely necessary.

If the use of the proposed upland facility is not feasible at the time that the work is to proceed, then a request to change disposal facility can be made ~~and the contract price re-negotiated, if necessary.~~

Comment: The Government reserves the right to reject the contractor's request to change the disposal facility.

Issue three: The sampling and testing prior to award is an extreme hardship. If the sample results should fail in that the material cannot be disposed of expeditiously, the contractor will be faced with unnecessary claims, delay and even cancellation.

Response: The 70 day period of time to sample and obtain a permit for the disposal facility following the notice of being the low bidder is to provide a reasonable timeframe for the expected schedule of work. If the Offeror cannot sample and obtain permits for the disposal facility in what is considered to be a reasonable time frame ~~due to inefficiencies in his process~~, then USACE has the right not to award the contract, or to proceed to the next lowest bidder.

If, on the other hand, the apparent low bidder cannot obtain permits in that time frame because sampling results indicate that the material exceeds the allowable limits for their chosen site, we will consider allowing an additional 30 days to arrange for an alternative site.

Comment: The government does not commit to accept changes if the dredged material is not compatible with the offeror's proposed disposal facility.

(End of clarification to Amendment No.10)

2) The second purpose of this amendment is to establish a due date for the submission of revised step 1 technical proposals due to the change in performance period as described in Amendment No. 12. The project performance period had been changed from January to February 2003 to **June to July 2003** due to the approaching environmental no dredge window. The availability of the disposal site, dredging capabilities, transportation capabilities and processing capabilities need to be reconfirmed by the Offeror for the new project performance period in accordance with the Step 1 solicitation as described in Amendment No. 12.

Revised proposals, in accordance with Amendment No. 12, are required to be submitted by December 2, 2002 at 11:00.

Sincerely,

Ella Snell
Chief, Contracting Division

NOTE: Only offerors that had submitted proposals in the final discussions under the previously held step 1 are requested to submit revised proposals under this Amendment. That is, revised proposals will be accepted only from offerors who had submitted revised proposals in response to discussion letters dated July 18, 2002 from this office.

(End of Summary of Changes)